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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/614,287  | 07/08/2003  | Tadashi Mori         | VX032538            | 7452             |
| 21369   | 7590        | 09/15/2005           | EXAMINER            |                  |
| POSZ LAW GROUP, PLC<br>12040 SOUTH LAKES DR.<br>SUITE 101<br>RESTON, VA 20191 |             |                      | ROSENBERG, LAURA B  |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3616                |                  |

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/614,287

Applicant(s)

MORI ET AL.

Examiner

Laura B. Rosenberg

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-35 is/are allowed.
- 6) ☒ Claim(s) 36-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is in response to the amendment filed 30 June 2005, in which claims 1-17 were canceled and claims 18-38 were added.

#### ***Claim Objections***

2. Claim 27 is objected to because of the following informalities: It appears that claim 27 should depend from claim 26 instead of claim 24. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Haustein (5,297,844). Haustein discloses a supporting structure (including #10) for a driver's cab of a work vehicle (best seen in figure 1), which comprises:
  - Three-dimensional support structure (including #110) with vertically extending pillars (including #114, 116, 122, 124) arranged in corners
  - The vertically extending pillars including a left-rear pillar (for example, #124) and a right-rear pillar (for example, #122)

Art Unit: 3616

- Connection member (including #128) diagonally extending between the left-rear and right-rear pillars (best seen in figure 10)
- Transverse member (for example, #130) extending between “middle portions” (for example, the cross-sectional middle portions) of the left-rear and right-rear pillars (best seen in figure 10)
- Connection member (#128) is arranged below the transverse member (#130)

5. Claims 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Iwasaki et al. (JP11-200417). Iwasaki et al. disclose a supporting structure for a driver's cab of a work vehicle (best seen in figures 1, 2), which comprises:

- Three-dimensional support structure (including #10) with vertically extending pillars (including #11, 11, 12, 12) arranged in corners
- The vertically extending pillars including a left-rear pillar (for example, #11 or #12) and a right-rear pillar (for example, #11 or #12)
- Connection member (including #11B) diagonally extending between the left-rear and right-rear pillars (best seen in figure 3)
- Transverse member (for example, #11A) extending between middle portions of the left-rear and right-rear pillars (best seen in figure 3)
- Connection member (#11B) is arranged below the transverse member (#11A)

***Allowable Subject Matter***

6. Claims 1-35 are allowed.

Art Unit: 3616

7. The following is a statement of reasons for the indication of allowable subject matter: the allowable subject matter of claim 1 is the connection member diagonally extending between an area adjacent of the left-front and left-rear corners and a middle area of the right pipe member, in combination with other features of claim 1. Gotz ('481) discloses a connection member diagonally extending between an area adjacent one of a left-front and left-rear corner and a middle area of a right pipe member, but this configuration is not part of Gotz's four-sided horizontal support structure for the driver's cab as set forth in the remainder of claim 1.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bonnett et al. disclose a supporting structure for a cab of a work vehicle including several diagonal connecting members on the top portion of the structure, the connecting members meeting in a central portion of the structure.

Mauws discloses a supporting structure for a cab of a work vehicle.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

Art Unit: 3616

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B. Rosenberg whose telephone number is (571) 272-6674. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600



Laura B Rosenberg  
Patent Examiner  
Art Unit 3616

LBR